

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

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|---------------------------------|---|----------------------------|
| JAMES HUTSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| WANDA LANCASTER, |) | <i>Consolidated Cases:</i> |
| |) | Case No. 12-CV-581-JED-TLW |
| (Consolidated) Plaintiff, |) | Case No. 12-CV-582-JED-FHM |
| |) | |
| v. |) | |
| |) | |
| DEPENDENT SCHOOL DISTRICT NO. |) | |
| 21-C-030 OF DELAWARE COUNTY, |) | |
| OKLAHOMA, a/k/a KENWOOD PUBLIC |) | |
| SCHOOL DISTRICT; THE BOARD OF |) | |
| EDUCATION OF INDEPENDENT |) | |
| SCHOOL DISTRICT NO. 21-C-030 OF |) | |
| DELAWARE COUNTY, OKLAHOMA; |) | |
| MATHEW BUDDER, CLERK; |) | |
| ANTHONY DAVIS, PRESIDENT; |) | |
| T.J. SCOTT, VICE-PRESIDENT; and |) | |
| BILLY TAYLOR, SUPERINTENDENT; |) | |
| |) | |
| Defendants. |) | |

OPINION AND ORDER

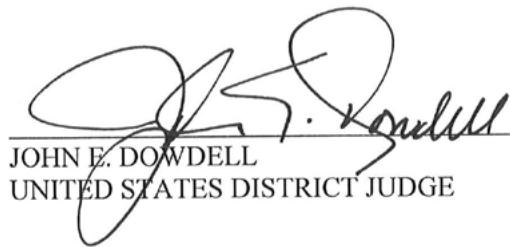
These consolidated actions were initiated by plaintiffs in the Delaware County, Oklahoma District Court. In their Petitions, the plaintiffs alleged that they were improperly terminated in violation of Oklahoma law (Proposition I) and that the defendants discriminated against them on the basis of race and color (Proposition II). While plaintiffs' Petitions did not mention either 42 U.S.C. § 1983, Title VII or any other explicit federal claims, the defendants removed the cases on the assertion that the Petitions "concern federal questions." The defendants then sought dismissal of the cases, arguing that, "[t]o the extent [plaintiffs are] making [claims] under Title VII . . . [they have] failed to exhaust . . . administrative remedies." The defendants also argue that plaintiffs have not stated proper claims under 42 U.S.C. § 1983.

Both in their briefing and at the August 23 hearing, the plaintiffs expressly disclaimed that they brought or wish to maintain any claims based upon federal law. In addition, they have agreed that the discrimination claims contained in Proposition II of their Petitions should be dismissed, and plaintiffs have stated that those claims are withdrawn. Furthermore, at the hearing on their dismissal motions, the defendants agreed that, if the plaintiffs are only proceeding on their claims under Oklahoma law, there is no basis for further proceedings in this Court.

Based upon the foregoing, the Court lacks subject matter jurisdiction over the claims asserted by plaintiffs. “If at any time before final judgment it appears that the district court lacks subject matter jurisdiction [in an action that has been removed from a State court], the case shall be remanded.” 28 U.S.C. § 1447(c).

IT IS THEREFORE ORDERED that these cases are hereby **remanded** to the Delaware County, Oklahoma District Court.

IT IS SO ORDERED this 28th day of August, 2013.



JOHN E. DOWDELL
UNITED STATES DISTRICT JUDGE